

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE KINGATE MANAGEMENT
LIMITED LITIGATION

Master File No: 09 Civ. 5386 (DAB)

This Document Relates to All Actions

ECF Case – Electronically Filed

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the Declaration of Peter R. Chaffetz, dated July 19, 2010, and the exhibit thereto, the Memorandum of Law in Support of Kingate Management Limited's Motion to Dismiss and accompanying declarations and exhibits, and all the prior papers and proceedings herein, defendant Christopher Wetherhill will move this Court, before the Honorable Deborah A. Batts, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order: (a) dismissing the Amended Consolidated Class Action Complaint with prejudice pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure; and (b) for any such other relief as this Court may deem just and proper.

PLEASE FURTHER TAKE NOTICE that Christopher Wetherhill requests that oral argument be heard if this motion is opposed.

PLEASE TAKE FURTHER NOTICE that opposition papers, if any, to defendant Christopher Wetherhill's motion, shall be served and filed pursuant to Local Civil Rule 6.1(b) or as otherwise ordered by the Court.

Dated: New York, New York
July 19, 2010

Respectfully submitted,

By: /s/ Peter R. Chaffetz
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